

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SANTANDER BANK, N.A.,

Plaintiff,

-against-

D'LOAIZA BUS TRANSPORTATION, INC.
d/b/a EL PASO BUS RIDE and MANUEL I
LOAIZA,

Defendants.
-----X

ORDER ADOPTING R&R
21-CV-1022(DRH)(AYS)

FILED
CLERK

11:18 am, Apr 18, 2022

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

Presently before the Court is the Report and Recommendation of Magistrate Judge Anne Y. Shields, dated March 28, 2022, recommending that plaintiff's motion for default judgment be granted and that (1) plaintiffs be awarded damages as follows: (a) \$339,509.54 in unpaid principal under the Note; and (b) \$907.85 in late fees due and owing under the Note, for a total monetary award of \$340,417.39; (2) that an Order similar to Plaintiff's proposed Judgment by Default for Sum Certain and Replevin (DE [11-6]), but consistent with the Report and Recommendation, be entered and that Plaintiff be permitted to foreclose upon and repossess the Vehicle secured as collateral for the underlying Loan herein.

More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the

March 28, 2022 Report and Recommendation of Judge Shields as if set forth herein.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a default judgment against defendants is granted and (1) plaintiff is awarded damages in the amount of: (a) \$339,509.54 in unpaid principal under the Note; and (b) \$907.85 in late fees due and owing under the Note, for a total monetary award of \$340,417.39, jointly and severally. A judgment for the foregoing amount and permitting plaintiff to foreclose upon and repossess the Vehicle secured as collateral for the underlying Loan herein will be separately entered.

Dated: Central Islip, New York
April 18, 2022

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge